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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,580	12/31/2003	Michael D. Hamerski	59116US002	8979

32692 7590 05/17/2005

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EXAMINER

TOLAN, EDWARD THOMAS

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/749,580

Applicant(s)

HAMERSKI ET AL.

Examiner

Tolan Edward

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3-1-2004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 11-15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ventura (6,722,179) in view of Hutter, III (6,773,780). Ventura discloses a method of removing a dent (2) from a workpiece (3) comprising the steps of providing a device including a body member (7) and a force applying member (9,10) movably connected with the body member, attaching the body member to the surface of the workpiece using hot melt adhesive (col. 4, lines 37-53) and moving the force applying member to remove the dent. Regarding claim 1, it is inherent that a compressive force is generated when the nut (10) is turned the opposite way. Ventura suggests the use of other adhesives besides hot melt in col. 4, lines 53 and 54. Ventura does not disclose a double sided adhesive. Hutter teaches a double sided adhesive in column 6, lines 63-67 and column 7, lines 1-9 that is used to attach a threaded bolt onto a surface (14). It would have been obvious to one skilled in the art at the time of invention to substitute the adhesive of Hutter for the adhesive of Ventura in order to use a peel off adhesive that is quickly applied to the body member.

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Regarding claims 3 and 12, it would have been obvious to one skilled in the art at the time of invention to apply the method to any surface to which the adhesive is securable.

Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ventura (6,722,179) in view of Hutter, III (6,773,780) and further in view of Meichtry (6,874,347). Ventura in view of Hutter does not disclose a pivotal force applying member. Meichtry teaches pivot arms (163.1,163.2) for applying force. It would have been obvious to one skilled in the art at the time of invention to provide Ventura in view of Hutter with pivotal arms as taught by Meichtry in order to produce a larger force through leverage.

Claims 8,9,17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ventura (6,722,179) in view of Hutter, III (6,773,780) and further in view of Ritter (6,792,790). Ventura in view of Hutter does not disclose a spring. Ritter teaches that it is known to use a spring (19) in a force applying member (15). It would have been obvious to one skilled in the art at the time of invention to provide Ventura in view of Hutter with a spring as taught by Ritter in order to bias the force applying member against the workpiece or the bridge.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ventura (6,722,179) in view of Hutter, III (6,773,780) and further in view of Holsapple (3,712,106). Ventura in view of Hutter does not disclose a pair of force applying members. Holsapple teaches force applying members (24,26) that are forced in tension or compression by lever (14). The members are shown acting at an angle to one

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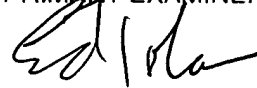
another on a curved surface (60). It would have been obvious to one skilled in the art at the time of invention to provide Ventura in view of Hutter with additional force applying member in order to operate on curved surfaces or to affect a greater surface area.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Ed Tolan whose telephone number is 571-272-4525.

ED TOLAN
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Ed Tolan', is written over the printed name and title.